

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 880

Short Title: Durham Fair Housing.

(Local)

Sponsors: Representatives Kuczmariski; Luebke and Michaux.

Referred to: Judiciary I.

April 12, 1993

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO REMOVE
2 THE LIMITATION ON PUNITIVE DAMAGES, AUTHORIZE THE TRIAL
3 JUDGE TO GRANT INJUNCTIVE RELIEF, AND LENGTHEN THE TIME IN
4 WHICH A COMPLAINANT MAY FILE A PRIVATE CAUSE OF ACTION IN
5 HOUSING DISCRIMINATION CASES BROUGHT UNDER THE CITY'S FAIR
6 HOUSING ORDINANCE.

7
8 The General Assembly of North Carolina enacts:

9 Section 1. Section 121 of the Charter of the City of Durham, being Chapter
10 671, Session Laws of 1975, as amended by Chapter 373, Session Laws of 1983, Chapter
11 715, Session Laws of 1985, and Chapter 379, Session Laws of 1991, reads as rewritten:

12 "Sec. 121. Equal Housing. The City Council may adopt ordinances prohibiting
13 discrimination on the basis of race, color, sex, religion, national origin, age, familial
14 status, or handicap in real estate transactions. Such ordinances may regulate or prohibit
15 any act, practice, activity or procedure related, directly or indirectly to the sale or rental
16 of public or private housing, which affects or may tend to affect the availability or
17 desirability of housing on an equal basis to all persons; may provide that violations
18 constitute a misdemeanor, and shall be punishable under G.S. 14-4; may subject the
19 offender to civil penalties; and may provide that the City may enforce the ordinances by
20 application to the General Court of Justice, Superior Court Division, for appropriate
21 legal and equitable remedies, including but not limited to, mandatory and prohibitory
22 injunctions and orders of abatement, attorney's fees and ~~not more than one thousand~~
23 ~~dollars (\$1,000)~~ punitive damages, and the court shall have jurisdiction to grant such
24 remedies."

1 Sec. 2. Section 121(b) of the Charter of the City of Durham, being Chapter
2 671, Session Laws of 1975, as amended by Chapter 373, Session Laws of 1983, reads as
3 rewritten:

4 "(b) Judicial Review of Committee Orders. Judicial review of
5 Committee orders other than arbitration awards shall be in accordance with Article 4 of
6 Chapter ~~150A-150B~~ of the ~~North Carolina~~ General Statutes provided, however, that the
7 provisions of G.S. ~~150A-45-150B-45~~ notwithstanding, petitions for judicial review shall
8 be filed in the Superior Court of Durham ~~County~~. County; provided, further, the
9 provisions of G.S. 150B-51(b) notwithstanding, the trial court judge may grant to the
10 petitioner, or to any other party, such temporary relief, restraining order, or other order
11 as the court determines is just and proper and the trial court judge may affirm, modify,
12 or set aside, in whole or in part, the committee's order, or remand the order for further
13 proceedings and enforce the order to the extent that the order is affirmed or modified.
14 The term 'Agency,' whenever used in Article 4 of the Chapter ~~150A-150B~~ of the North
15 Carolina General Statutes, shall mean the Committee(s) as authorized or created by the
16 City Council of the City of Durham under the authority of this act."

17 Sec. 3. Section 124 of the Charter of the City of Durham, being Chapter 671,
18 Session Laws of 1975, as amended by Chapter 373, Session Laws of 1983, reads as
19 rewritten:

20 "Sec. 124. (a) Civil Action for Unlawful Housing Practice. An ordinance
21 adopted pursuant to this act may permit any complainant ~~dissatisfied with the Committee's~~
22 ~~final disposition of a matter~~ to bring a civil action in the Superior Court Division of the
23 General Court of Justice of Durham County against the person allegedly engaging in the
24 unlawful practice. Such civil action for a housing practice ~~may not shall~~ be brought
25 ~~more than 60 days after the complainant's receipt of notification of the Committee's final~~
26 ~~disposition of the matter. no later than one year after an alleged discriminatory housing~~
27 practice has occurred or terminated.

28 (b) Injunctions; Equitable Relief. If the court finds that the respondent has
29 engaged in or is engaging in an unlawful housing practice charged in the ~~complaint,~~
30 complaint, the court may enjoin the respondent from engaging in such unlawful housing
31 practice, award special damages, actual damages and ~~award not more than one thousand~~
32 ~~dollars (\$1,000) for additional punitive damages."~~

33 Sec. 4. This act is effective upon ratification.